



Court Services and Offender Supervision Agency for the District of Columbia

Office of the General Counsel

March 20, 2000

OFFICE OF THE GENERAL COUNSEL DIRECTIVE

SUBJECT: Confidential Financial Disclosure Report Program

EFFECTIVE DATE:

APPROVED: _____
John A. Carver, Trustee

PURPOSE AND SCOPE

Title 5, C.F.R. § 2634.904 establishes the confidential financial disclosure reporting system for executive branch departments and agencies. The Court Services & Offender Supervision Agency and the Pretrial Services Agency (hereinafter referred to collectively as "Agency") will be certified as a federal Agency on August 5, 2000. The Agency will adopt federal standards now so that upon certification, we will be consistent with other federal agencies. This system requires that Agency employees who occupy certain sensitive positions at the GS-15 level or below annually file a Confidential Financial Disclosure Report (hereinafter referred to as "report") to identify their financial interests and outside business activities to the Agency in order to determine if there are actual or potential conflicts between the employee's public responsibilities and their private interests and activities. All higher-level Agency officials must complete a public financial disclosure form. This report compliments the current system of public financial disclosure that applies to higher-level government officials.

APPLICABILITY

Certain senior executive branch employees whose duties involve the exercise of discretion in sensitive areas are required to complete a Confidential Financial Disclosure Report. Areas where discretion may be required are contracting, procurement, administration of grants and licenses, and regulating or auditing non-Federal entities. We have determined that the following positions will be required to file a report:

a. Positions concerning Contracting and Procurement

Court Services & Offender Supervision Agency (CSOSA):

All contracting officers

All COTRS

Director, Procurement

Contract Specialist, Procurement

Director, Community Supervision Administrative Liaison Unit

Staff Assistant, Community Supervision Administrative Liaison Unit

Procurement/Facilities Specialist, Community Supervision Administrative Liaison Unit

Contract Specialist, Community Supervision Administrative Liaison Unit

Pretrial Services Agency (PSA):

Procurement Officer

Procurement Assistant

Accounting Officer

Accounting Assistant

All COTRS

b. Positions that Administer or Monitor Grants, Subsidies, Licenses, or Other Federally-Conferred Financial or Operational Benefits

c. Positions Involved in Activities in Which the Final Decision or Action Will Have a Direct and Substantial Economic Effect on the Interests of any Non-Federal Entity

CSOSA:

Director of Facilities

Project Manager

Space Manager

Controller

Senior Budget Analyst

Senior Financial Management Analyst

Senior Financial Specialist

PSA:

Controller

Director of Finance and Administration

d. Positions Required to Report Because the Agency Believes that the Employee's Duties and Responsibilities Could Involve a Real or Apparent Conflict of Interest

CSOSA:

Assistant General Counsels
Director of Training and Career Development
Training Specialists
Information Systems Trainers

PSA:

IT Director
LAN Operations Manager
LAN Administrator
Software Development Manager
Senior Network Engineer
Training Coordinator
Laboratory Director
Laboratory Deputy Director
Laboratory Technical Director

APPLICABLE STATUTE

Section 102(f), *Ethics in Government Act of 1978*; 5 C.F.R. § 2634

GENERAL POLICY

The Confidential Financial Disclosure Report (“report”) is designed to ensure that the American public has confidence in the integrity of the Federal Government. The report seeks information from employees that is relevant to the administration and application of criminal conflict of interest laws, administrative standards of conduct, and Agency-specific statutory and program-related restrictions.

REPORT FORM AND FILING. The contents of the report is as follows:

1. Interests in property, such as accounts, money market mutual funds and accounts, U.S. Government obligations, securities;
2. Income;
3. Gifts and reimbursements;
4. Liabilities;
5. Agreements and arrangements; and
6. Outside positions.

There is no requirement for the employee to report the amount or values of any item. The Agency will use Standard Form 450, the form prescribed by the Office of Government Ethics, to collect this information. These forms will be issued to all associate directors and to the Director of PSA for dissemination to their respective covered employees. If additional forms are needed, please contact the Ethics Officer.

REVIEW AND RETENTION OF REPORTS. Once the employee completes the report, the direct supervisor will review the report. This will insure that the supervisor has first-hand knowledge of the employee's work assignments to determine what may pose a conflict. The supervisor must sign each report reviewed in the block marked "Signature of Supervisor/Other Intermediate Reviewer."

The direct supervisor will forward the reports to the respective associate director or the deputy director of PSA. The associate director or the deputy director of PSA must submit a certification to the Agency's Ethics Officer containing the following information:

1. a statement that all reports have been reviewed and collected;
2. a list of the names, titles, and grades of all covered employees;
3. the date the review was completed on each report;
4. the total number of filers; and
5. the name, status and anticipated review date of any missing employees.

The associate director or the deputy director of PSA will forward the certification to the Agency's Ethics Officer. All reports will be maintained at the associate director level or with the deputy director of PSA for safekeeping in a locked receptacle. Individual employee personnel files are not appropriate for this purpose.

CONFIDENTIALITY. Reports that are filed according to this policy are confidential. They contain sensitive commercial and financial information, as well as personal privacy-protected information. Section 107(a) of the *Ethics in Government Act of 1978* requires that the Agency withhold these reports from the public. These reports and the information therein are also exempt from being released to the public under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(3)(A) and (B), (b)(4), and (b)(6). Other FOIA exceptions may apply to particular reports or portions of reports. Agency personnel can only release this information contained in the Report pursuant to an order issued by a Federal court, or as otherwise provided under applicable provisions of the Privacy Act, 5 U.S.C. § 552a and in the OGE/GOVT-2 Government-wide executive branch Privacy Act system of records.

PENALTIES FOR NOT REPORTING. All designated employees must file this report. Penalties and remedial action may be taken if an employee fails to file a report, falsifies information, or files late. The Attorney General may bring a civil action, and penalties may be assessed up to \$10,000. In addition, other action may be taken in accordance with applicable law or regulation.

APPEAL OF DESIGNATION. If an employee believes that his or her position has been improperly determined to be one that requires the submission of a report, the employee may seek a review of the designation by submitting a written request through their supervisor to the Agency's Ethics Officer within 30 days after reviewing the notification to file. The Ethics Officer's determination is final.

INITIAL REPORT AND PARTIAL YEAR IN POSITION. The initial report must be completed within 30 days from the issuance of this policy. After the initial filing, annual reports are due no later than October 31. The annual reporting period covers October 1 through September 30. For new entrants, this report must be filed within 30 days of assuming a position designated for filing. The reporting period for new entrants is the preceding twelve months from the date of filing. If an individual holds such a position and performs the duties of that position for more than 60 days during the 12-month period ending September 30, they must file a report on or before October 31.

QUESTIONS AND CONCERNS. If you have any questions about any aspect of the confidential financial disclosure report, please contact the Ethics Officer or any attorney in OGC at 220-5355.